

SENATE BILL No. 157

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Energy policy commission. Establishes the energy policy commission. Requires the utility regulatory commission to provide funding and staff for the commission. Requires the commission to study certain energy issues and recommend a state energy policy before December 1, 2006.

Effective: Upon passage.

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January 4, 2005, read first time and referred to Committee on Energy and Environmental Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 157

A BILL FOR AN ACT concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "commission" refers to the energy policy commission**
3 **established by subsection (b).**

4 **(b) The energy policy commission is established.**

5 **(c) The commission consists of twenty-five (25) members as**
6 **follows:**

7 **(1) Eighteen (18) members appointed by the governor, not**
8 **more than nine (9) of whom may be members of the same**
9 **political party.**

10 **(2) Two (2) members of the senate, not more than one (1) of**
11 **whom is a member of the same political party, appointed by**
12 **the president pro tempore of the senate.**

13 **(3) Two (2) members of the house of representatives, not more**
14 **than one (1) of whom is a member of the same political party,**
15 **appointed by the speaker of the house of representatives.**

16 **(4) The chairman of the Indiana utility regulatory**
17 **commission.**

18 **(5) The utility consumer counselor.**



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(6) A member of the Indiana recycling and energy development board created by IC 4-23-5.5-2 appointed by the governor.

(d) In making the appointments under subsection (c)(1), the governor shall select representatives from the following sectors in order to produce a commission that includes a broad array of stakeholders in Indiana's energy policies:

- (1) Consumer interests.
- (2) Utility companies.
- (3) Industrial and other commercial businesses.
- (4) Generators and wholesalers of power and other energy sources.
- (5) State regulatory and economic development agencies.
- (6) Environmental advocacy groups.
- (7) Other entities identified by the governor that have an interest in the comprehensive state energy policy to be developed by the commission.

(e) The governor shall appoint one (1) of the members of the commission as the chairperson of the commission.

(f) The members of the commission must be Indiana residents.

(g) The appointed members of the commission serve at the pleasure of the person who appointed them.

(h) The term of office of the members of the commission is from October 1, 2005, until December 1, 2006.

(i) A vacancy on the commission shall be filled for the remainder of the unexpired term by the person who made the original appointment.

(j) The expenses of the commission shall be paid from the budget of the Indiana utility regulatory commission. The Indiana utility regulatory commission shall:

- (1) provide administrative support to the commission; and
- (2) staff the commission.

(k) Each member of the commission who is not a state employee is:

- (1) not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b); and
- (2) entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the duties of the member as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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(l) Each member of the commission who is a state employee, but who is not a member of the general assembly, is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(m) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(n) The meetings of the commission shall be open to the public under IC 5-14-1.5. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

The chairperson shall:

- (1) preside at meetings;
- (2) call meetings as the chairperson considers necessary; and
- (3) cause notice of meetings to be given in accordance with IC 5-14-1.5.

(o) The chairperson shall:

- (1) afford any person attending a public meeting of the commission an opportunity to comment through oral or written presentation;
- (2) retain all written comments submitted to the commission;
- (3) make all written comments submitted to the commission available for public inspection; and
- (4) maintain a record of the proceedings of the commission.

(p) The commission shall formulate a recommendation for a state energy policy after studying:

- (1) the adequacy of the state's electric power supply to serve:
 - (A) existing load requirements; and
 - (B) long term projected growth requirements;
- (2) the ability of the state to achieve necessary levels of electric power reserves;
- (3) the desirability of maintaining the state's favorable position among the states in terms of average cost of power;
- (4) the necessity of formulating an economic development strategy, as part of an overall energy strategy, that ensures

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that sufficient supplies of energy are made available to
accommodate and foster economic growth and job creation;
(5) the necessity of recognizing and accounting for the need to
provide state and federal assistance to low income energy
consumers;

(6) the necessity for energy utility companies to provide high
levels of service;

(7) the necessity to expedite the permitting and licensing
process for new power plant construction and to evaluate the
environmental and economic impacts of power plant
construction;

(8) the necessity for promoting and practicing energy
conservation and energy efficiency;

(9) the necessity for examining the potential benefits of
alternatives to traditional energy sources;

(10) the possibility of eventual deregulation of the electric and
gas industries; and

(11) any other issue the commission determines necessary to
formulate a state energy policy.

(q) Before December 1, 2006, the commission shall prepare and
submit a final report on the commission's operations and
recommended state energy policy to:

(1) the governor;

(2) the lieutenant governor;

(3) the legislative council;

(4) the Indiana utility regulatory commission; and

(5) the Indiana recycling and energy development board.

(r) The commission shall submit the final report to the
legislative council under subsection (q)(3) in an electronic format
under IC 5-14-6.

(s) This SECTION expires December 1, 2006.

SECTION 2. An emergency is declared for this act.

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